

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1-3, 5-19, 28-30, 35, and 38-39 are in the present application. It is submitted that these claims, are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Claims 4, 20-27, 36-37, and 40-41 are canceled.

Claims 1-17 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Katz et al. (U.S. Patent No. 6,055,513) in view of Alloul et al. (U.S. Patent No. 6,032,130). Claims 18, 19, 29, 35 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alloul in view of Katz. Claims 20-28, 36-38, 40 and 41 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Alloul.

Claim 1 is now limited to storing a preview version of the multimedia material which is formed with impairments generated from a reduced quality representation of the material to the effect that an amount of data required to represent the multimedia material is reduced and the reduced quality discourages copying of the multimedia material. Thus according to the teaching of claim 1, the multimedia material itself is not stored and conveyed to a prospective buyer but is

stored in a form in which a buyer can preview the multimedia material whilst being discouraged from copying that material for use without having to pay for the material. Applicants submit that the skilled person could not arrive at the teaching of claim 1 from a combination of Katz and Alloul.

Katz refers generally to a remote-sales arrangement in which items are purchased over the web by searching for possible vending items from requested items provided by a user. However, Katz does not relate to vending multimedia material. Vending multimedia material presents a technical problem because copying and reproduction of multimedia material can be relatively easily achieved by an unauthorized user once this multimedia material has been received. Therefore providing a sample of the material before purchase, whilst still requiring the buyer to purchase the material cannot be accomplished with Katz. Accordingly the technical problem which the present invention addresses, would not occur to the skilled person from what is disclosed in Katz. In contrast, Alloul discloses an arrangement in which multimedia material items are stored on a vending server. There is no disclosure in Alloul of arranging for the multimedia material to be stored as a preview version which is communicated to the potential purchaser for storage and preview by the purchaser. Therefore again the problem of providing the multimedia material to a potential purchaser before a purchase has been made is not disclosed in Alloul. Therefore, neither the technical problem nor the solution could be derived from Alloul and therefore claim 1 could not be derived from a combination of Alloul and Katz. Furthermore Alloul does not provide an arrangement in which potential purchasers can download the multimedia material for preview.

Each of the independent claims (1, 18 and 19) now include the above discussed “preview version of multimedia materials” limitation. Accordingly, the cited documents, either alone or in

combination, fail to teach, suggest or provide the requisite motivation for a skilled artisan to practice the instantly claimed invention and the remaining claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Darren M. Simon
Reg. No. 47,946
(212) 588-0800